

Fill in this information to identify the case:

United States Bankruptcy Court for the:

_____ District of Minnesota
(State)

Case number (if known): _____ Chapter 11

☐ Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Midwest Asphalt Corporation

2. All other names debtor used in the last 8 years None
Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN) 4 1 - 0 9 4 3 7 8 5

4. Debtor's address

Principal place of business		Mailing address, if different from principal place of business
<u>P.O. Box 5477</u>		
Number	Street	Number Street
<u>Hopkins MN 55343</u>		<u>P.O. Box</u>
City	State ZIP Code	City State ZIP Code
<u>Hennepin</u>		Location of principal assets, if different from principal place of business
County		
		Number Street
		City State ZIP Code

5. Debtor's website (URL) www.midwestasphalt.net

6. Type of debtor
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

Debtor Midwest Asphalt Corporation
Name

Case number (if known) _____

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☒ No

☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY
District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☒ No

☐ Yes. Debtor _____ Relationship _____
District _____ When _____
MM / DD / YYYY
Case number, if known _____

List all cases. If more than 1, attach a separate list.

Debtor Midwest Asphalt Corporation
Name

Case number (if known) _____

11. Why is the case filed in this district?

Check all that apply:

☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other _____

Where is the property? _____

Number Street

City

State

ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

☒ Funds will be available for distribution to unsecured creditors.

☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

☐ 1-49

☐ 50-99

☐ 100-199

☒ 200-999

☐ 1,000-5,000

☐ 5,001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated assets

☐ \$0-\$50,000

☐ \$50,001-\$100,000

☐ \$100,001-\$500,000

☐ \$500,001-\$1 million

☐ \$1,000,001-\$10 million

☒ \$10,000,001-\$50 million

☐ \$50,000,001-\$100 million

☐ \$100,000,001-\$500 million

☐ \$500,000,001-\$1 billion

☐ \$1,000,000,001-\$10 billion

☐ \$10,000,000,001-\$50 billion

☐ More than \$50 billion

Debtor Midwest Asphalt Corporation
Name

Case number (if known) _____

16. Estimated liabilities

- | | | |
|--|---|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input checked="" type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

- ☒ The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.
- ☒ I have been authorized to file this petition on behalf of the debtor.
- ☒ I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/12/2017
MM / DD / YYYY

X

/e/ Blair Bury

Signature of authorized representative of debtor

/e/ Blair Bury

Printed name

Title President

18. Signature of attorney

X

/e/ Thomas J. Flynn

Signature of attorney for debtor

Date

01/12/2017

MM / DD / YYYY

Thomas J. Flynn, Esq.

Printed name

Larkin Hoffman

Firm name

8300 Norman Center Drive, Suite 1000

Number Street

Minneapolis

City

MN

State

55437-1060

ZIP Code

(952) 896-3362

Contact phone

tflynn@larkinhoffman.com

Email address

#30570

Bar number

MN

State

Fill in this information to identify the case:

Debtor name **Midwest Asphalt Corporation**
 United States Bankruptcy Court for the: **DISTRICT OF MINNESOTA**
 Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Commercial Asphalt Corporation P.O. Box 1480 Osseo, MN 55311-6480				\$2,713,580.16	\$0.00	\$2,713,580.16
Dehn Oil 6735 141st Avenue NW Ramsey, MN 55303				\$312,575.43	\$0.00	\$312,575.43
Cat Financial Commercial P.O. Box 978595 Dallas, TX 75397				\$142,624.97	\$0.00	\$142,624.97
Twin City Outdoor Services 14430 21st Avenue N. Plymouth, MN 55447				\$112,183.92	\$0.00	\$112,183.92
Ziegler, Inc. P.O. Box 86 SDS 12-0436 Minneapolis, MN 55486				\$111,384.18	\$0.00	\$111,384.18
BMO Harris Bank NA P.O. Box 3052 Milwaukee, WI 53201				\$100,464.53	\$0.00	\$100,464.53
Huhn Trucking, Inc. P.O. Box 301 Buffalo, MN 55313				\$81,121.70	\$0.00	\$81,121.70
Kraus Anderson Capital, Inc. 523 South Eighth Street, #523 Minneapolis, MN 55404				\$75,167.79	\$0.00	\$75,167.79

Debtor **Midwest Asphalt Corporation**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Kusske Construction Co., LLC 424 Chestnut Street Chaska, MN 55318				\$74,356.75	\$0.00	\$74,356.75
WM Mueller & Sons, Inc. P.O. Box 247 Hamburg, MN 55339				\$74,017.28	\$0.00	\$74,017.28
Creative Curb Contractors 64358 375th Street Watkins, MN 55389				\$71,747.29	\$0.00	\$71,747.29
Lano Equipment Inc. 6140 Highway 10 NW Anoka, MN 55303				\$68,780.54	\$0.00	\$68,780.54
Road Machinery & Supplies P.O. Box 86 Minneapolis, MN 55486				\$65,389.40	\$0.00	\$65,389.40
Union Leasing, Inc. P.O. Box 75850 Chicago, IL 60675				\$62,380.15	\$0.00	\$62,380.15
North Country Concrete Inc. 23035 Ulysses Street NE Bethel, MN 55005				\$58,066.41	\$0.00	\$58,066.41
Shaw Trucking Inc. 18530 Buchanan Street NE East Bethel, MN 55011				\$50,476.50	\$0.00	\$50,476.50
Allstate Peterbilt P.O. box 270710 Minneapolis, MN 55427				\$46,178.87	\$0.00	\$46,178.87
Hart Bros Tire Company 8300 126th Street West Savage, MN 55378				\$43,000.73	\$0.00	\$43,000.73
Kennametal Inc. P.O. Box 6323 Carol Stream, IL 60197				\$37,309.50	\$0.00	\$37,309.50

Debtor **Midwest Asphalt Corporation**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Ron Kassa Construction 6005 250th Street E. Elko New Market, MN 55020						\$35,941.50

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Bky. No. _____

Chapter 11 Case

Midwest Asphalt Corporation.

Debtor.

**STATEMENT REGARDING
AUTHORITY TO SIGN AND FILE
PETITION**

I, Blair Bury, declare under penalty of perjury that I am the President of Midwest Asphalt Corporation, a Minnesota corporation (the "Company"), and that on December 30, 2016, the following resolution was duly adopted by the Board of Directors of this Company:

WHEREAS, it is in the best interest of this Company to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code ("Bankruptcy");

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that Blair Bury, President of this Company, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the Company; and

FURTHER RESOLVED, that Blair Bury, President of this Company, is authorized and directed to employ Thomas J. Flynn, attorney and the law firm of Larkin Hoffman Daly & Lindgren Ltd. to represent the Company in the Bankruptcy; and

FURTHER RESOLVED, that Blair Bury, President of this Company, is authorized and directed to assist Thomas J. Flynn in all proceedings on behalf of the Company, and to otherwise do and perform all acts and deeds in connection with such Bankruptcy case.

Dated: January 12, 2017

Midwest Asphalt Corporation

By: Blair B Bury

Blair Bury

Its: President

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

SIGNATURE DECLARATION
Chapter 11

Midwest Asphalt Corporation

Debtor(s).

Case No. _____

____ PETITION, SCHEDULES & STATEMENTS
____ CHAPTER 13 PLAN
____ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS
____ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
____ MODIFIED CHAPTER 13 PLAN
 X OTHER (Please describe: Emergency Chapter 11)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. **[individual debtors only]** If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: January 12, 2017

x Blair Bury
Signature of Debtor or Authorized Representative

Blair Bury, President
Printed Name of Debtor or Authorized Representative

x _____
Signature of Joint Debtor

Printed Name of Joint Debtor